



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

January 11, 2007

Mountain America Credit Union
7181 S Campus View Drive
West Jordan UT 84084

Attention: Jared Johnstone, (801-325-6477, JMJOHNSTONE@MACU.ORG)

Subject: Reclamation Surety, Certificate of Deposit for Dove Creek Quarries, LLC, Dove Creek Mine Site, M/003/016, Box Elder County, Utah

Certificate of Deposit no. _____; Principal Amount \$65,000.

This letter describes the mutually agreed upon instructions of the below signed parties to Mountain America Federal Credit Union ("Bank"), regarding the control, redemption, and release of Bank's above-described certificate of deposit ("CD"), which is being used as a surety to guarantee the availability of reclamation funds for the Dove Creek mine site, Box Elder County, Utah. It is the intention of the parties that the CD be utilized as surety to guarantee that \$65,000 in reclamation funds will be available to the State of Utah, Division of Oil, Gas & Mining ("Division") upon demand in the event that the operator(s) of the Mine Site are unable or unwilling to complete reclamation of the mine site in compliance with applicable state law and regulations.

Ownership and Renewal:

Ownership of the CD is retained by Dove Creek Quarries, LLC, a Utah Limited Liability Company, ("Owners"), but it is held by Bank for the benefit of the State of Utah, Division of Oil, Gas & Mining and is subject to the terms and conditions described in this agreement. The CD shall automatically renew indefinitely until either redeemed or released by the Director of the Division.

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The Division may request CD information on an occasional basis. This letter grants approval by Dove Creek Quarries, LLC for the bank to provide CD information to the Division any time an inquiry is made via telephone, email, or letter.

Redemption:

The CD may only be redeemed (i.e., called on demand), pursuant to the written instruction or demand of the Director of the Utah Division of Oil, Gas & Mining to the Bank. Upon the instruction and demand of the Director, the full initial amount of the CD shall be transferred to the State of Utah, Division of Oil, Gas and Mining. Owners agree and irrevocably instruct Bank that neither the Owner(s), nor any other person claiming an ownership interest in the CD which is derived from the Owners, shall have the authority to prevent the Bank from carrying out the Director's instruction to redeem the CD. Upon redemption, any accrued interest in excess of the initial amount of the CD shall be transferred to Owners' control, or if Owners do not instruct the Bank, the accrued interest shall be reinvested in the CD. If a signature card is prepared, it shall be drafted consistent with the requirement that only the Director of the Division may redeem the CD.

Release:

The Bank shall release the CD only upon the written instruction of the Director of the Division to the Bank. Upon release, the terms and conditions of this agreement are no longer in effect, and the unconditioned control of the CD shall be returned to the Owners, or their legal successors-in-interest. In the event of Bank cancellation/termination of the Certificate of Deposit, the Division may transfer the certificate of deposit monies into a state managed cash account to assure or complete reclamation if the Operator does not replace the Certificate of Deposit within the ninety days of Bank cancellation/termination notice. If the Bank is under a forced cancellation/termination, the Bank agrees to transfer or release the CD funds to a state managed cash account at the Division's request.

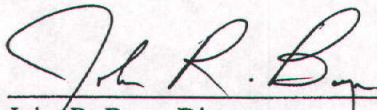
Accrued Interest:

Prior to release or redemption, all interest which accrues by the CD shall be 1) dispersed quarterly to the Owner(s) as the Owner(s) may instruct the Bank, or 2) shall be reinvested in the CD until such time the Owner(s) may instruct the Bank where to transfer such interest. In no event shall the Bank transfer any

amount from the CD which would cause the redemption amount of the CD to be less than the initial amount, \$65,000. All tax liabilities for accrued interest shall remain the sole responsibility of the Owners.

Bank will not be held liable for any dispute between the parties.

Agreed Upon By:

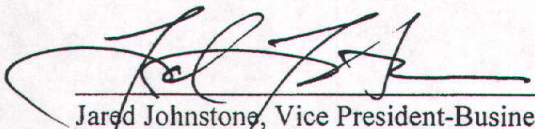


John R. Baza, Director
Utah Division of Oil, Gas & Mining

Date: 1/19/07

Authorized signature - see attached
David D. Morris, Member
Dove Creek Quarries, LLC
Tax ID Number: _____

Date: January 16, 2007



Jared Johnstone, Vice President-Business Services
Mountain America Federal Credit Union

Date: 1/11/07

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Agreed Upon By:

Authorized signature - see attached

John R. Baza, Director

Utah Division of Oil, Gas & Mining

Date: January 16, 2007

David D. Morris

David D. Morris, Member

Dove Creek Quarries, LLC

Tax ID Number: _____

Date: 16 JAN 07

Authorized signature - see attached

Jared Johnstone, Vice President-Business Services

Mountain America Federal Credit Union

Date: January 16, 2007

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MOUNTAIN AMERICA
CREDIT UNION

7181 South Campus View Drive • West Jordan, Utah 84084 • Toll Free 1.800.748.4302

January 11, 2007

STATE OF UTAH DEPT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 WEST NORTH TEMPLE STE 1210
PO BOX 145801
SALT LAKE CITY UT 84114-5801

Attn: Beth Ericksen

This letter acknowledges the receipt of a Reclamation Surety by Mountain America Credit Union from the Division of Oil, Gas and Mining. The credit union agrees to the terms of the instructions and will place an administrative hold (restriction) on the account in the amount outlined below until such time as redemption or release authorization is provided by the Division in accordance with the instructions.

Mine Site:	M/003/016
Account Name:	Dove Creek Quarries, LLC
Account Number:	
Instrument Number:	Term Deposit 20
Principal Amount:	\$65,000.00
Original Acknowledgement:	01/11/07

Sincerely,

Jared Johnstone
Vice President
Business Services

☒ **APPROVED**